

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**September 12, 2006**

DIVISION ONE

9-12-06

993612-06

The **HONORABLE FRANK Y. JACKSON**, Judge of the Superior Court of California, County of Los Angeles, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division One, as a justice thereof, on the following dates:

**August 22, 2006 to October 31, 2006**

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Dated: August 11, 2006

Ronald M. George  
Chief Justice of California and  
Chairperson of the Judicial Council

DIVISION TWO

B188777      Committee for Responsible                      (Certified for Publication)  
                 School Expansion

v.  
Hermosa Beach City School District

The judgment is affirmed. Respondent is awarded its costs no appeal.

Doi Todd, J.

We concur:    Boren, P.J.  
                 Ashmann-Gerst, J.

DIVISION THREE

Court convened at 9:37 a.m.

Present: Croskey, Acting P.J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

B192456      Leticia F. v. S.C.L.A.

Argument waived, cause submitted.

B185111      Ittner, et al.  
v.  
Mercury Insurance Company

Merits:  
Argued by Heather M. McKeon for appellants and by Patricia Lofton for  
respondent. Cause submitted.

DIVISION THREE (Continued)

B184654     Leflore  
              v.  
              Los Angeles County Metropolitan Authority, et al.

Merits:  
Argued by Neil Gielegem for appellant and by Nedra Jenkins Deputy  
County Counsel for respondents. Cause submitted.

B184682     JTS Development, Inc.  
              v.  
              Cooper, et al.

Merits:  
Argued by Steven Brower for appellants and by Everett L. Skillman for  
respondent. Cause submitted.

B182250     Fremont Indemnity Company  
              v.  
              Fremont General Corporation, et al.

Merits:  
Argued by Kent L. Richland for appellants and by James Houpt for  
respondent. Cause submitted.

B185198     Colburn, et al.  
              v.  
              Albertson's, Inc.

Merits:  
Argued by Joseph L. Paller, Jr. for appellants and by Alison B. Marshall for  
respondents. Cause submitted.

Court recessed at 11:29 a.m.

Court reconvened at 1:30 p.m.

Present: Croskey, Acting P.J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

DIVISION THREE (Continued)

Each of the following:

B187809      Children and Family Services v. Lisa S.  
B185651      People v. Perez  
B186917      People v. Malone  
B186555      People v. Espinosa

Argument waived, cause submitted.

B187390      Khazin, et al.  
                 v.  
                 Sherman, et al.

Merits:

Argued by Y. Gina Lisitsa for appellants and by Elon Berk for respondents.  
Cause submitted.

B189905      April A.  
                 v.  
                 Superior Court, Los Angeles County  
                 (Children and Family Services, r.p.i.)

Merits:

Argued by David C. Alaynick for petitioner and by Liana Serobian, Deputy  
County Counsel for real party in interest. Cause submitted.

B183388      People  
                 v.  
                 Carmona

Merits:

Argued by Waldemar Halka for appellant and by Marc A. Kohm, Deputy  
Attorney General for respondent. Cause submitted.

September 12, 2006 (Continued)

### DIVISION THREE (Continued)

B184706 Wang, et al.  
v.  
Xue

Merits:

Argued by Edward J. Horowitz for appellant and by Michael A. Oswald for respondent. Cause submitted.

Court adjourned.

DIVISION FIVE

[illegible]

The portion of the judgment fixing the maximum period of confinement at nine years six months is reversed. The portion of the judgment indicating Richard committed an offense defined in section 707, subdivision (b), is reversed. The cause is remanded to the juvenile court with directions to hold a new disposition hearing. At the hearing, the juvenile court shall exercise its discretion in setting Richard's maximum term of physical confinement, pursuant to section 731, subdivision (b), up to seven years two months. The juvenile court shall also find that the commitment to CYA is not for an offense defined in section 707, subdivision (b). In all other respects, the judgment is affirmed.

Kriegler, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

September 12, 2006 (Continued)

DIVISION FIVE (Continued)

B185148      People                        (Not for Publication)  
v.  
Brewer

The judgment is affirmed.

Kriegler, J.

I concur: Armstrong, Acting P.J.  
I concur and dissent: Mosk, J. (opinion)

B184744      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Lavenia P.

The appeal is dismissed.

Armstrong, J.

We concur: Turner, P.J.  
Kriegler, J.

B191936 Paula Nelson (Certified for Publication)  
v.  
Indevus Pharmaceuticals, Inc.

The judgment is reversed. Appellant(s) to recover costs.

Armstrong, J.

We concur:   Turner, P.J.  
                      Kriegler, J.

DIVISION FIVE (Continued)

B184905      Andrew T. Sherman et al      (Not for Publication)

v.

Estate of Tracy Courrege

Mutual Service Casualty Insurance Company

The judgment is affirmed. Respondent(s) to recover costs.

Kriegler, J.

We concur: Turner, P.J.

Armstrong, J.

B184026      First California Title Company et al      (Not for Publication)

v.

Financial Title Company

The judgment is affirmed. Respondent(s) to recover costs.

Mosk, J.

We concur: Turner, P.J.

Armstrong, J.

DIVISION SIX

B188095      People      (Not for Publication)

v.

Perez

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.

Coffee, J.

September 12, 2006 (Continued)

## DIVISION SIX (Continued)

B168269 People (Certified for Publication)  
v.  
Cuevas

The judgment of conviction is affirmed. We vacate appellant's sentence and remand this case to the trial court with instructions to conduct a new sentencing hearing consistent with this opinion. The trial court must stay the sentences on the duplicative counts 2, 5, 10, 12, 14, 16, 21, and 24, and ensure that appellant's aggregate sentence on remand does not exceed the aggregate sentence previously imposed. After resentencing, the trial court is directed to prepare a corrected abstract of judgment and forward it to the Department of Corrections.

Coffee, J.

We concur: Gilbert, P.J.  
Perren, J.

B185421      Randolph et al.,      (Not for Publication)  
v.  
Levy et al.,

The judgment (order confirming deemed arbitration award) is affirmed. As a sanction for this frivolous appeal, attorney David M. Grokenberger and appellants Levy and Millender are jointly and severally liable to pay \$22,000 to the Randolphins. Costs on appeal are awarded to the Randolphins. Pursuant to Business and Professions Code section 6086.7, subdivision (a)(3), the clerk of this court is directed to forward a copy of this opinion to the State Bar.

Coffee, J.

We concur: Yegan, Acting P.J.  
Perren, J.



DIVISION SEVEN

B178159      Pourzia  
                 v.  
                 St. Mary Medical Center Etc., et al.,

Filed order modifying opinion. (No change in the judgment)

B190298      In re Brandy M., et al.  
                 Los Angeles County, D.C.S.  
                 v.  
                 Brian B. and Mandy M.

B191774      In re Connor M.  
                 Los Angeles County, D.C.S.  
                 v.  
                 Brian B.

Filed order consolidating above captioned appeals for argument and decision only.

DIVISION EIGHT

Court convened at 8:30 a.m.

Present: Rubin, Acting P.J., Boland, J., Turner, J. (Assigned) and Emma Jean Amos, Deputy Clerk.

B193565      Martinez et al.,  
                 v.  
                 Superior Court, Los Angeles County  
                 (Pasley et al., r.p.i.)

Merits:  
Argued by Phillip Recht and Valerie Flores, City Attorney for petitioners and by Jeffrey Jacobberger, Stephen Kaufman and Judy Whitehurst, Senior Deputy County Counsel for real parties in interest. Cause submitted.

Court adjourned.

September 12, 2006 (Continued)

## DIVISION EIGHT (Continued)

[illegible]

The judgment is affirmed. The motion for sanctions is denied. Respondent Martina Silas is to recover her costs on appeal.

Rubin, J.

We concur: Cooper, P.J.  
Flier, J.

B184526      Elnekave et al.,      (Certified for Publication)  
v.  
Via Dolce Homeowners Association,

For the reasons set forth above, the judgment enforcing the purported settlement of September 8, 2004, pursuant to section 664.6 is reversed, as is the trial court's order dismissing the Elnekaves' complaint. Each party to bear its own costs on appeal.

Rubin, J.

We concur: Cooper, P.J.  
Boland, J.

B185003      People                                  (Not for Publication)  
v.  
**White,**

The sentence is vacated and the case is remanded for reconsideration of appellant's Romero motion. Upon resentencing, the trial court is directed to refrain from imposing a court security fee under Penal Code section 1465.8. In all other respects, the judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.  
Rubin, J.

## DIVISION EIGHT (Continued)

B185003 People (Not for Publication)  
v.  
White,

The sentence is vacated and the case is remanded for reconsideration of appellant's Romero motion. Upon resentencing, the trial court is directed to refrain from imposing a court security fee under Penal Code section 1465.8. In all other respects, the judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.  
Rubin, J.

B193565      Martinez et al.,      (Certified for Publication)  
v.  
Superior Court, Los Angeles County  
(Pasley et al., r.p.i.)

Let a peremptory writ of mandate issue directing the superior court\* to vacate its order of September 1, 2006 (corrected on September 6, 2006), granting the petition for writ of mandate filed in the superior court, and thereafter enter a new and different order denying that petition fro writ of mandate. Good cause appearing, this court's decision shall become final to this court on filing. (Cal. Rules of Court, rule 24(b)(3).) Petitioners are entitled to recover their costs in this writ proceeding. (Cal. Rules of Court, rule 56 (m)(1).)

Rubin, Acting P.J.

We concur: Boland, J.  
Turner, J. (Assigned)

B185026 People  
v.  
Kordahl

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)